

Article - Natural Resources

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§4-1103.

(a) The Department shall take measures which in its judgment seem best calculated to increase the productivity or utility of oyster resources in the State, including:

- (1) Identifying and using effective methods of cleaning diseased oyster bars;
- (2) Providing clean shell for the bars;
- (3) Using hatchery produced oysters to replant sites; and
- (4) Applying for a permit to dredge buried oyster shells.

(b) The Department may select and reserve for its own use areas, to be known as seed areas, within the waters of the State for the propagation of seed oysters. The number, size, and location of these areas shall be determined from time to time by the Department. The Department shall, before publication, deliver a notice of reservation, including all applicable reasons for the Department's act, to the Joint Committee on Administrative, Executive, and Legislative Review and publish the notice not less than 30 days before the closing date of any seed area in one newspaper of general circulation in the State and at least one newspaper of general circulation in each county in which the affected waters are located, and on the website of the Department. The Department shall schedule a public hearing on the proposal not less than 15 days before the proposed closing date. The hearing shall be held at the county seat of the county in which the affected waters are located. If the affected waters are located in more than one county, the hearing shall be held in that county seat closest to the affected waters, but if the area affected is totally within State waters, the hearing shall be held in Annapolis.

(c) The State may sell seed oysters to persons who hold a valid aquaculture or submerged land lease for no less than the prevailing price of seed oysters of similar quality in nearby states. Conditions of sale may be prescribed by rule or regulation of the Department. The proceeds from these sales shall be credited by the Comptroller to the Fisheries Research and Development Fund.

(d) (1) In addition to the provisions of subsections (b) and (c) of this section concerning the establishment of oyster seed areas and the sale of seed oysters to a leaseholder, the Department may:

(i) Sell or remove seed oysters from oyster seed areas if the sale or removal is made under disease protocols; and

(ii) Adopt regulations necessary to implement the provisions of this subsection.

(2) The Department shall credit the proceeds of any sale of seed oysters under this subsection to the Fisheries Research and Development Fund in the Department.

(3) The Department shall:

(i) Sell, at prevailing market prices, seed oysters produced in an aquaculture oyster seed area to a person who holds a valid lease issued under Subtitle 11A of this title, or an aquaculture permit to cultivate shellfish; and

(ii) Use any revenue derived from the sale of seed oysters to reimburse the Fisheries Research and Development Fund for any expenditure needed to create the aquaculture oyster seed areas under this subsection.

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